

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 01-455-A
)	
ZACARIAS MOUSSAOUI)	
a/k/a "Shaqil,")	
a/k/a "Abu Khalid)	
al Sahrawi,")	
)	
Defendant.)	

ORDER

Before the Court is the Intervenor's Motion for Access to Certain Portions of the Record ("Intervenor's Motion"), to which both the United States and standby defense counsel have responded.¹ Because the parties now agree that numerous pleadings and orders previously filed under seal may be placed in the public record, the Intervenor's Motion is GRANTED in part; and it is hereby

ORDERED that the pleadings and orders docketed as #s 614, 620 (without Attachment A),² 657, 664, 673, 676, 679, 692, 708

¹ Although Mr. Moussaoui has not filed a formal response to the Intervenor's Motion, he has consistently complained about the excessive sealing of pleadings and orders in this case.

² Attachment A will remain under seal because it is an ex parte submission by standby defense counsel which reflects defense strategy.

(without Attachments),³ 724 (redacted),⁴ 759, 772 (redacted),⁵ 773, 775, 776, 777, 779 and 780 be and are unsealed.

The United States has indicated that it would not oppose placing pleading #s 688 and 715 in the public record if it were permitted to make additional redactions to accommodate national security considerations. Finding this request to be reasonable, it is further

ORDERED that the United States submit properly redacted versions of pleading #s 688 and 715 to the Clerk of Court by Friday, May 9, 2003.

The remainder of the Intervenor's Motion remains under review. After considering the parties' positions regarding the propriety of placing additional pleadings, orders and transcripts in the public record, the Court will determine whether, and to what extent, additional documents may be unsealed. At this time, the Court does not find that oral argument would be of assistance

³ Pursuant to the Court's Order of October 7, 2002, standby counsel filed photographs and a video tape of Mr. Moussaoui's cell and workroom under seal with the Clerk of Court as attachments to their filing docketed as #708. For security reasons, the photographs and video tape will remain under seal.

⁴ This pleading has been redacted to accommodate national security considerations.

⁵ Pursuant to the Court's Order of September 27, 2002, the United States proposed redactions to this pro se pleading. The Court finds that most, but not all, of the proposed redactions strike the proper balance between the public's right to access records in criminal cases and the United States' legitimate concerns about the defendant's ability to use his pleadings inappropriately to communicate with the outside world.

in deciding any of the issues raised in the Intervenor's Motion.

The Clerk is directed to forward copies of this Order to the defendant, pro se; counsel for the United States; standby defense counsel; and counsel for the Intervenor.

Entered this 6th day of May, 2003.

/s/

Leonie M. Brinkema
United States District Judge

Alexandria, Virginia